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EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 05/17/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,722

Applicant(s)

TAYLOR, SEAN DOMINIC

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 & 3-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-17 & 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (U.S. 6,124,810) in view of Ross (U.S. 5,444,444).

Regarding claims 16-17, Segal discloses a mobile unit comprising:

- a location system (212) / G.P.S. system (106) [figs.1-2, col.4, lines 1-12 and col.5, lines 52-65];
- a wireless device (200,202,206) is installed in a vehicle (108) linking with a service center (102) over a wireless network (106) [figs.1-2, col.4, lines 1-12 and col.5, lines 23-39];
- a control circuit (200,202,206) including a user interface (214) [fig.2, col.5, lines 22-51 and col.14, lines 53-64];

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- a control circuit (200,202,206) is installed in the vehicle (108) receives a destination list / "load assignment" from the services center (102) [figs.1-2, col.3, line 65 to col.4, line 12 and lines 24-62];
- the control circuit (200,202,206) determines a current destination from the destination list, automatically activates the location system to determine a current location of the mobile unit, determines whether the mobile unit has crossed a threshold relating to the current destination, and activate the wireless device to send an alert signal if the mobile unit has crossed the threshold and send a message to inform the service center (102) of the current destination by an I/O device (214) [fig.2, col.4, lines 57-62 and col.10, lines 1-27];
- the I/O device (214) can be operated / reprogrammed data information in a memory storage (204) by a vehicle operator to select an appropriate way from the destination information because of traffic problem [fig.2, col.5, lines 46-51 , col.10, lines 18-27 and col.13, lines 55-65].

Segal fails to specifically mention the user interface allows a user / operator to edit the destination list received from the control circuit.

For a better service also to save time and energy because of heavy traffic problem or weather conditions the vehicle operator may modify the destination list received as load assignments.

Furthermore, Ross teaches a control circuit (10) including a user interface / keyboard (12) which allows a user to edit the destination list received can be utilized in a mobile vehicle or carrier is equipped with a satellite receiver, a controller and a communicator. The controller

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compares the current location of the vehicle to the location of the party receiving the delivery / pickup [figs.2-3, col.5, lines 33-45].

Therefore, it would have been obvious to one having ordinary skill in the art was made to employ the teaching of Ross in the system of Segal for allowing a vehicle operator a capability to adjust and select the delivery schedule in a manner way.

Regarding claim 19, Segal discloses the mobile unit wherein the wireless device is an attached data-capable cellular telephone [col.3, lines 55-64].

Regarding claims 20-21, Segal discloses the mobile unit wherein the control circuit determines / calculates the current location of the mobile unit [fig.3, col.6, lines 14-33 and col.8, lines 8-19 and abstract].

3. Claims 1, 3-5, 8-15 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (U.S. 6,124,810) in view of Westerlage et al. (U.S. 5,724,243) further in view of Jones (U.S. 5,668,543).

Regarding claim 1, Segal discloses an alert generating method [figs.1-2] comprising:

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- providing a wide area network (106) that allows a user to specify conditions for an alert and action to be carried out when the conditions for the alert are met, the conditions referencing a position of a mobile unit (108) [figs.1-4, col.3, line 65 to col.4, line 24 and col.9, lines 44-46];
- providing to the mobile unit (108) over a wireless network (106) information (206) that the conditions for the alert [figs.1-4, col.9, lines 44-46 and col.9, line 66 to col.10, line 27];
- monitoring in the mobile unit (108) the mobile unit's position [col.9, line 66 to col.10, line 27];
- providing the service center (102) a signal [col.10, lines 10-27].

Segal fails to specifically disclose a server is used on a wide area network and alerting a designated location by carry out the specified action from the service center upon receiving the signal .

A server / data storage unit is very important and popular in the computer system which receives / stores all informations as instructed by a computer operator and may transmit those informations to a network user as requested.

However, Segal does disclose the alerting signals from the mobile vehicle (108) to the dispatch center (102) for informing or determining the status of the vehicle in transit such as the vehicle has arrived or departed from a planned or unplanned stop. The dispatch center (102) which facilitates the control and monitoring of vehicle known as "load assignment" or destination information by a wireless network [col.3, line 65 to col.4, line 62 and col.10, lines 10-27].

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Westerlage teaches a system (10) for determining an expected time of arrival of a vehicle (40) equipped with a mobile unit (42) includes a dispatch (20) along with a central controller (72) having a **database memory** (74) for storing and monitoring the vehicle position and in response to the vehicle position [fig.6, col.13, lines 3-13].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Westerlage in the system of Segal to provide an efficient and orderly way to manage the storage & retrieval / delivery of the stored information to intended users.

The combination of Segal and Westerlage is still missing alerting a designated location by carry out the specified action from the service center upon receiving the signal.

For a business to track deliveries, the business's customers who may be interested in knowing when a delivery will arrive by alerting them through a telephone, pager message, an e-mail message or any other communication means.

Furthermore, Jones teaches an advance notification system (10) could send an alert message such as " the bus will be arrive / late in five minutes " from a base station (14) to the designated location such as student homes / passenger location (36) in response to the signal from a mobile unit / pick up vehicle / bus (12) by a wireless communication which is used for communications and tracking systems that track the location, movement and destination of vehicles or individuals [figs.1,4, col.3, lines 1-34 , col.10, lines 15-24 and abstract].

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Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage and Jones includes alerting a designated location for notifying or alerting the customer the time for goods delivery or pickup at any desired location.

Regarding claims 3-5, Segal discloses the alerting signal or specified action wherein the signal from the mobile unit via a wireless network service system as cellular, PCS or other GMS terrestrial base system. Those skilled in the art will recognize that the PCS or other GMS terrestrial base system may comprise an e-mail or other communication means as desired to the designated location [figs.1-2, col.3, lines 55-64 and col.4, lines 6-12].

Regarding claims 8-11, Segal discloses the alert generating method wherein the conditions identify an area around a destination for the mobile unit / the mobile communication has arrived or departed from a planned or an unplanned stop by wireless signal [fig.3, col.6, lines 14-33 and col.8, lines 8-19 and abstract].

Regarding claims 12-13, Segal discloses the alert generating method further comprising a selected destination for the mobile unit and an operator of the mobile unit selects the selected destination [col.4, lines 24-45].

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Regarding claim 14, Segal discloses a delivery method comprising:

- creating a list of destination for delivery / load assignment [col.4, lines 26-32];
- downloading / load assignment [col.4, lines 26-32 and lines 47-56];
- selecting a destination from the list as a next destination [col.4, lines 26-47];
- monitoring distance [col.4, lines 26-62];
- generating an alert [col.10, lines 10-27];
- receiving the alert at the service center [col.10, lines 10-27].

Segal fails to specifically disclose a mechanism accessible or a server is used on a wide area network and carrying out the specified action from the service center to the selected destination in response to the alert received at the service center.

A server / data storage unit is very important and popular in the computer system which receives / stores all informations as instructed by a computer operator and may transmit those informations to a network user as requested.

However, Segal does disclose the alerting signals from the mobile vehicle (108) to the dispatch center (102) for informing or determining the status of the vehicle in transit such as the vehicle has arrived or departed from a planned or unplanned stop. The dispatch center (102) which facilitates the control and monitoring of vehicle known as "load assignment" or destination information by a wireless network [col.3, line 65 to col.4, line 62 and col.10, lines 10-27].

Westerlage teaches a system (10) for determining an expected time of arrival of a vehicle (40) equipped with a mobile unit (42) includes a dispatch (20) along with a central controller

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(72) having a **database** memory (74) for storing and monitoring the vehicle position and in response to the vehicle position [fig.6, col.13, lines 3-13].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage to provide an efficient and orderly way to manage the storage & retrieval / delivery of the stored information to intended users.

The combination of Segal and Westerlage still missing carrying out the specified action from the service center to the selected destination in response to the alert received at the service center.

For a business to track deliveries, the business's customers who may be interested in knowing when a delivery will arrive by alerting them through a telephone, pager message, an e-mail message or any other communication means.

Furthermore, Jones teaches an advance notification system (10) could send an alert message such as " the bus will be arrive / late in five minutes " from a base station (14) to the designated location such as student homes / passenger location (36) in response to the signal from a mobile unit / pick up vehicle / bus (12) by a wireless communication which is used for communications and tracking systems that track the location, movement and destination of vehicles or individuals [figs.1,4, col.3, lines 1-34 , col.10, lines 15-24 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage and Jones includes alerting a designated location for notifying or alerting the customer the time for goods delivery or pickup at any desired location.

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Regarding claims 15 & 22, Segal discloses the alert generating method comprising sending a data signal from the mobile unit (108) to a service center (102) through a wireless communication G.P.S. system (106) when monitoring of the position of the position of mobile unit indicates the mobile units satisfies the conditions for the alert [col.10, lines 10-27].

Segal fails to specifically disclose the service center comprises a server is used on a wide area network and alerting a designated location by carry out the specified action from the service center upon receiving the signal.

A server / data storage unit is very important and popular in the computer system which receives / stores all informations as instructed by a computer operator and may transmit those informations to a network user as requested.

However, Segal does disclose the alerting signals from the mobile vehicle (108) to the dispatch center (102) for informing or determining the status of the vehicle in transit such as the vehicle has arrived or departed from a planned or unplanned stop. The dispatch center (102) which facilitates the control and monitoring of vehicle known as "load assignment" or destination information by a wireless network [col.3, line 65 to col.4, line 62 and col.10, lines 10-27].

Westerlage teaches a system (10) for determining an expected time of arrival of a vehicle (40) equipped with a mobile unit (42) includes a dispatch (20) along with a central controller (72) having a **database** memory (74) for storing and monitoring the vehicle position and in response to the vehicle position [fig.6, col.13, lines 3-13].

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Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage to provide an efficient and orderly way to manage the storage & retrieval / delivery of the stored information to intended users.

The combination of Segal and Westerlage still missing carrying out the specified action from the service center to the selected destination in response to the alert received at the service center.

For a business to track deliveries, the business's customers who may be interested in knowing when a delivery will arrive by alerting them through a telephone, pager message, an e-mail message or any other communication means.

Furthermore, Jones teaches an advance notification system (10) could send an alert message such as " the bus will be arrive / late in five minutes " from a base station (14) to the designated location such as student homes / passenger location (36) in response to the signal from a mobile unit / pick up vehicle / bus (12) by a wireless communication which is used for communications and tracking systems that track the location, movement and destination of vehicles or individuals [figs.1,4 col.3, lines 1-34 , col.10, lines 15-24 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage and Jones includes alerting a designated location for notifying or alerting the customer the time for goods delivery or pickup at any desired location.

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4. Claims 6-7, 18 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al. (U.S. 6,124,810) in view of Westerlage et al. (U.S. 5,724,243) further in view of Jones (U.S. 5,668,543) and further in view of Fan et al. (U.S. 5,959,577).

Regarding claims 6-7 & 23, The combination of Segal, Westerlage and Jones do not specifically disclose the alerting signal wherein providing that identifies the conditions for the alert, comprises downloading the information / destination list to a web site corresponding to the service center.

Website Internet is a matrix of networks that connects computers around the world so multiple people could access and manage information or data.

However, Fan teaches the concept of using the wireless network (27) such as the web site Internet can be downloaded to the vehicle location service (3) or can be loaded directly from software storage media (32) for locating and traveling information includes a map database search system and a G.P.S. wireless communication system (8) [fig.1, col.5, lines 53-61 col.6, lines 34-61].

Therefore, it would have been obvious to one having ordinary skill in the art to use the system of Segal as taught by Westerlage, Jones and Fan includes an Internet website feature for providing more convenient and accurate delivery information to the mobile unit that track location, movement and destination of vehicle or individual.

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Regarding claim 18, Fan discloses a wireless device is a wireless modem (146) [fig.5, col.10, lines 6-8].

Arguments & Responses

5. Applicant's argument filed on Mar.8, 2004 have been fully considered but they are not persuasive reasons.

Applicant's Arguments:

A) The applicant states that the examiner is in error to use reference of Ross as suggest an ability to "allow a user to edit the destination list" cited in figs.2-3, col.5, lines 33-45.

B) The combination of Segal, Westerlage & Jones references are not properly for rejections as providing a server on a wide are network accessible by a user to specify conditions for an alert and an action to be carried out when the conditions for the alert are met, the conditions referencing a position of a mobile unit.

C) Segal does not teach sending E-mail in response to an alert condition.

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D) The combination of Segal, Westerlage, Jones & Fan references are improperly for rejections as claimed by the applicant.

Response to the arguments:

A) The examiner is NOT in error to use the Ross system which contains a control circuit (10) including a user interface / keyboard (12) which allows a user to edit the destination list received can be utilized in a mobile vehicle or carrier is equipped with a satellite receiver, a controller and a communicator [figs.2-3, col.5, lines 33-45].

B) The examiner remains the same the combination of Segal, Westerlage and Jones references for rejection as the following:

Segal discloses an alert generating method [figs.1-2] comprising:

- providing a wide area network (106) that allows a user to specify conditions for an alert and action to be carried out when the conditions for the alert are met, the conditions referencing a position of a mobile unit (108) [figs.1-4, col.3, line 65 to col.4, line 24 and col.9, lines 44-46];
- providing to the mobile unit (108) over a wireless network (106) information (206) that the conditions for the alert [figs.1-4, col.9, lines 44-46 and col.9, line 66 to col.10, line 27];
- monitoring in the mobile unit (108) the mobile unit's position [col.9, line 66 to col.10, line 27];

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- providing the service center (102) a signal [col.10, lines 10-27].

Segal fails to specifically disclose a server is used on a wide area network and alerting a designated location by carry out the specified action from the service center upon receiving the signal .

Westerlage teaches a system (10) for determining an expected time of arrival of a vehicle (40) equipped with a mobile unit (42) includes a dispatch (20) along with a central controller (72) having a **database memory** (74) for storing and monitoring the vehicle position and in response to the vehicle position [fig.6, col.13, lines 3-13].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage to provide an efficient and orderly way to manage the storage & retrieval / delivery of the stored information to intended users.

The combination of Segal and Westerlage is still missing alerting a designated location by carry out the specified action from the service center upon receiving the signal.

For a business to track deliveries, the business's customers who may be interested in knowing when a delivery will arrive by alerting them through a telephone, pager message, an e-mail message or any other communication means.

Furthermore, Jones teaches an advance notification system (10) could send an alert message such as " the bus will be arrive / late in five minutes " from a base station (14) to the designated location such as student homes / passenger location (36) in response to the signal from a mobile unit / pick up vehicle / bus (12) by a wireless communication which is used for

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communications and tracking systems that track the location, movement and destination of vehicles or individuals [figs.1,4, col.3, lines 1-34 , col.10, lines 15-24 and abstract].

It would have been obvious to one having ordinary skill in the art to have the system of Segal as taught by Westerlage and Jones includes alerting a designated location for notifying or alerting the customer the time for goods delivery or pickup at any desired location.

C) Segal discloses the alerting signal or specified action wherein the signal from the mobile unit via a wireless network service system as cellular , PCS or other GMS terrestrial base system . Those skilled in the art will recognize that the PCS or other GMS terrestrial base system may comprise an e-mail or other communication means as desired to the designated location [figs.1-2, col.3, lines 55-64 and col.4, lines 6-12].

D) Fan teaches the concept of using the wireless network (27) such as the web site Internet can be downloaded to the vehicle location service (3) or can be loaded directly from software storage media (32) for locating and traveling information includes a map database search system and a G.P.S. wireless communication system (8) [fig.1, col.5, lines 53-61 col.6, lines 34-61].

It would have been obvious to one having ordinary skill in the art to use the system of Segal as taught by Westerlage, Jones and Fan includes an Internet website feature for providing

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more convenient and accurate delivery information to the mobile unit that track location, movement and destination of vehicle or individual.

Therefore, the references of Segal, Westerlage , Jones & Fan can be combined for rejections over claims 6-7, 18 & 23.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filled within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796.

The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: May 3, 2004



JEFFERY HOFSA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600